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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/332,625	06/11/1999	JOEL G HASSELL	UV-110	3146

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EXAMINER

SALCE, JASON P

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/332,625	Applicant(s) HASSELL ET AL.	
	Examiner Jason P. Salce	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,41-53,57-60,96-108,112,113 and 152-164 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,41,57-60,96,112,113 and 152 is/are rejected.
- 7) ☒ Claim(s) 42-53,97-108 and 153-164 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 8/25/2005 in regards to independent claim 1 and all corresponding independent claims have been fully considered but they are not persuasive.

In regards to claim 1 and all corresponding independent claims, the claims still read on the Schein reference of record. Applicant has amended the claim limitations to convey that the program guide data consist of a subset of program guide data that is frequently requested and program data other than the subset, where the subset of program guide data is exclusively distributed and the other program guide data is accessed from the server when needed.

In regards to claim 1 and all corresponding independent claims, as discussed in Schein, data for 36 channels are transmitted in 3 hour blocks and transmitted to the viewer (see Column 12, Lines 28-31) and that the viewer accesses the program guide data stored in memory for that time period (see Column 12, Lines 47-49). Therefore, Schein teaches a subset of program guide data (program guide data in 3 hour blocks) and other program data (future 3 hour block of program guide data at Column 12, Lines 49-60) and obtaining the subset of program guide data directly from the continuous data stream (which is stored in memory and accessed by the viewer at Column 12, Lines 47-49). Schein further notes that the future block of program guide data (other program guide) can be accessed directly from the carousel (at the server) when the viewer wishes to view program guide data past the current block of program guide data

Art Unit: 2614

currently viewed (see Column 12, Lines 49-60). Therefore, claim 1 still reads on the Schein reference of record and is rejected below addressing the amended claim limitations.

In regards to claim 41 and all corresponding independent claims, Schein fails to disclose the use of unique identifiers that correspond to a particular television program that is currently being broadcasted and also the unique identifier indicating when the particular television program is being currently broadcasted. As discussed above, all of the program guide data received by the viewer's electronic program guide is for programs that will be broadcasted in the future. Therefore, a new grounds of rejection is presented below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 57-58 and 112 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Schein et al. (U.S. Patent No. 6,002,394).

Referring to claim 1, Schein discloses an interactive program guide system in which program guide data is provided (see Column 6, Line 66 through Column 7, Line 9

a subset of the program guide data is current program guide data (see Column 12, Lines 28-31 for receiving program guide data in 3 hour blocks and Column 12, Lines 47-49 for accessing a set of current program guide data that has been received and loaded into memory, therefore, a subset of the program guide data received (in a 3 hour block) is current because it represents the program guide data for the television programs that are displayed at a current time that the user is accessing the EPG). The examiner notes that the limitation current program guide data is the program guide data that has been received and loaded into memory and that the subset represents the current 3 hour block that has been received and loaded into memory.

Schein discloses a continuous data stream processor configured to select from the program guide data the subset of current program guide data for inclusion in a continuous data stream (see Column 12, Lines 27-39 for simultaneously transmitting the program guide data (current and future) in blocks on different transmission bands from a cable television headend (Column 12, Lines 61-63) and contains a continuous data stream processor (modulator taught at Column 12, Lines 31-32) used to select the current and future program guide data blocks that are transmitted to the viewer). The examiner notes that system must determine what the current time must be, in order to transmit (select) the current and future program guide blocks that relate to the proper time (for example, if the current day is Tuesday and the system must receive current program guide data for Tuesday, the continuous data stream processor must know to send Tuesday's program guide data and not Wednesday's program guide data. The examiner notes that because of the broad claim limitations, that alternatively, the

Art Unit: 2614

limitations could read on the set top box circuitry used to select a current or future block of program guide data to be displayed on the viewer's EPG, which causes the set top box to select the current or future program guide data from the carousel (see Column 12, Lines 49-60).

Schein also discloses distribution equipment configured to exclusively distribute the subset of current program guide data in the continuous data stream to the user television equipment (see satellite 24 in Figure 1 and headend (Column 12, Lines 61-63) and Column 12, Lines 38-40 for how the satellite is used for transmitting EPG data in a carousel or endless loop (continuous data stream)).

Schein also discloses a program guide server (see Server 350 in Figure 14, or EPG database 408 in Figure 15).

Schein also discloses an interactive television program guide implemented on user television equipment (see Figure 16A).

Schein also discloses obtaining a subset of current program guide data directly from the continuous data stream (see Column 12, Lines 20-36 for receiving current program guide blocks and Column 12, Lines 47-49 for accessing the current EPG data blocks by the viewer) for inclusion in program guide displays (see again Figure 16A for displaying the program guide data) on the user television equipment (see PC TV 402 in Figure 15).

Schein also discloses obtaining program guide data other than the subset of current program guide data from the program guide server in response to requests generated by the interactive television program guide (see Column 12, Lines 47-60 for

Art Unit: 2614

the viewer making request for a future block of program guide data and obtaining program guide data other than the subset of current program guide data (the future block of program guide data) in response to requests by the user actuating the electronic television program guide).

Referring to claim 2, Schein discloses that the current program guide data contains one or more unique identifiers (see Column 6, Line 66 through Column 7, Line 9 for receiving EPG data, which contains unique identifiers and Figures 4-9 for the different types of EPG data (and unique identifiers, such as title or start time) that can be received).

Schein also discloses that the interactive program guide is configured to perform a real-time action when a particular unique identifier is in the continuous data stream (see Column 15, Lines 58-66 for the user setting a reminder (real-time action) for a program using the interactive program guide, which can only be performed if the viewer receives the unique identifiers (EPG data) that is displayed in the viewer's program guide).

Referring to claims 57-58, see the rejection of claims 1-2, respectively. Also note that Schein discloses current program guide data that is frequently requested (see Column 12, Lines 47-49).

Referring to claim 112, see the rejection of claim 1, respectively. Also note that Schein discloses current program guide data that is frequently requested (see Column 12, Lines 47-49).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 3-4, 59-60 and 113 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein et al. (U.S. Patent No. 6,002,394) in view of Lawler et al. (U.S. Patent No. 5,699,107).

Referring to claim 3, Schein discloses all of the limitations in claim 2, as well as setting a reminder to view a future television program (see Column 15, Lines 58-66), but fails to teach the actual display of the reminder to the viewer. The examiner notes that Schein meets the remaining limitations of the claim in regards to the reminder function being able to be actuated only if the viewer receives the unique identifiers of EPG data in order for a selection to be made by the viewer. Schein simply fails to disclose displaying the reminder to the viewer, after the reminder has been set.

Lawler discloses a program reminder system, which displaying a reminder to a user before the program is about to be broadcasted (see Figure 9 and Column 12, Lines 35-63).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the reminder setting functionality of Schein, to include the reminder display functionality of Lawler, for the purpose of informing the user that a

Art Unit: 2614

future program will be available shortly (see Column 2, Lines 40-42 of Lawler), therefore providing a system that allows a user to quickly and easily identify programs for which reminder have been set (see Column 2, Lines 50-51 of Lawler).

Referring to claim 4, Schein discloses all of the limitations in claim 2, and further discloses setting a reminder to view a future television program (see Column 15, Lines 58-66).

Schein also discloses distribution equipment configured to distribute the plurality of continuous data streams to the user television equipment (see the rejection of claim 1 and Column 12, Lines 28-39 for a modulator modulating the blocks onto channels).

Schein also discloses that the interactive program guide is configured to obtain current program guide data for a particular program guide display screen from the continuous data stream that carries program guide data for that particular program guide display screen (see the rejection of claim 1, Figure 16A and Column 12, Lines 47-60 for selecting current or future program guide data blocks that are received from the continuous data stream (carousel) that carries program guide data for that particular program guide display screen (the current or future EPG data block selected by the viewer)).

Referring to claims 59-60, see the rejection of claims 3-4, respectively.

Referring to claims 113, see the rejection of claims 1-4.

Claims 41, 96 and 152 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein et al. (U.S. Patent No. 6,002,394) in view of Kim et al. (U.S. Patent No. 6,400,406).

Referring to claim 41, Schein discloses an interactive television program guide system in which program guide data is provided (see Column 6, Line 66 through Column 7, Line 9 for receiving program guide data from an EPG provider such as StarSight) and wherein the program guide data includes unique identifiers associated with television programs (see Column 6, Line 66 through Column 7, Line 9 for receiving EPG data, which contains unique identifiers and Figures 4-9 for the different types of EPG data (and unique identifiers, such as title or start time) that can be received).

Schein further discloses that the system comprises a continuous data stream processor configured to select a particular unique identifier (in the EPG data discussed above) associated with television programs (see Column 12, Lines 27-39 for simultaneously transmitting the program guide data (current and future) in blocks on different transmission bands from a cable television headend (Column 12, Lines 61-63) and contains a continuous data stream processor (modulator taught at Column 12, Lines 31-32) used to select the current and future program guide data blocks that are transmitted to the viewer and again note Figures 4-9 for the different types of EPG data that includes a variety of unique identifiers).

Schein further discloses distribution equipment configured to distribute the particular unique identifier to user television equipment in the continuous data stream (see satellite 24 in Figure 1 and headend (Column 12, Lines 61-63) and Column 12,

Lines 38-40 for how the satellite is used for transmitting EPG data (with the unique identifiers) in a carousel or endless loop (continuous data stream)).

Schein further discloses an interactive television program guide implemented on the user television equipment (see Figure 16A for the interactive television program guide and PC TV 402 in Figure 15).

Schein further discloses that the interactive program guide is configured to monitor the continuous data stream for the presence of the particular unique identifier (see Column 12, Lines 47-60 for the viewer accessing a current or future program guide data block and if the viewer navigates to a future time portion of the EPG and waiting until the desired block is received from the carousel). Therefore, if a viewer wishes to access a future program guide block, then the viewer must monitor the channel that will have the transmitted future program guide block (with the various unique identifiers). Further note alternatively, that Schein also teaches

Schein further discloses performing a real-time action associated with the particular television program when the particular unique identifier is detected in the continuous data stream (see Column 15, Lines 58-66 for the user setting a reminder (real-time action) for a program using the interactive program guide, which can only be performed if the viewer receives the unique identifiers (EPG data) that is displayed in the viewer's program guide).

Schein is silent about receiving a unique identifier only when the particular television program is currently being broadcasted and the particular unique identifier indicating when the particular television program is being currently broadcasted. Schein

Art Unit: 2614

disclose start times for the programs (see Figure 6) and transmitting the program guide data to the viewer (see Column 12, Lines 16-60), but does not teach the specifics of when exactly the program guide data will be received.

Kim discloses an improved system for transmitting program guide data, where a unique identifier is sent for a particular program when it is being broadcasted (see packets 7 and 1 in Figures 3 and 4, respectively and Column 1, Lines 56-59 and Column 3, Lines 22-24 for using the packet data for determining a predetermined time before the intended program starts, while the user is viewing a program of a specific broadcast station, thereby clearly teaching that the current time for a particular television program is received only when the particular television program (receiving packets 1 and 7) is currently being broadcasted) and identifies when the particular television program is being broadcasted (see Figure 4 and Column 2, Lines 55-59 for packet 1 of the unique identifier containing the current time).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the EPG data described in Figures 4-9, as taught by Schein, using packets 1 and 7, as taught by Kim, for the purpose of providing a broadcast program guide displaying device and method which enable a user to automatically confirm an intended program to be played by displaying program information of another broadcast station (see Column 1, Lines 53-56 of Kim).

Referring to claims 96 and 156, see the rejection of claim 41.

Allowable Subject Matter

4. Claims 42-53, 97-108 and 153-164 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason P Salce
Patent Examiner
Art Unit 2614

November 11, 2005

Jason Salce
11/11/05